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In the United States Patent and Trademark Office

Appn. Filed: 12/05/2001
Appn. #: 10/679,305
Applicant: Elizabeth Gay Frayne
Title: "Manipulation of RNA Stability and Protein Synthesis Using Thio-phosphate"
Examiner: Nancy T. Vogel
Art Unit:1636

Assistant Commissioner for Patents
Arlington, Virginia, 22313

RE: Office Action 7/28/09

In accordance with the examiner's direction I have prepared an amendment to request the present application be considered a continuation-in-part rather than a divisional application of the parent (see additional materials enclosed). Furthermore, the examiner has acknowledged in the previous action that the parent application is incorporated by reference. This reflects on claim 9 in the present application as discussed below. I have also requested that a section of the original patent application now be included in the current specification (see amendment). The new section deals with the incorporation of thio-phosphate into goldfish intestinal cells which bears on claim 9.

Claim 9

Claim 9 focuses on the use of thio-phosphate to modify the nucleic acids of complex organisms. This claim is separate from claims involving the incorporation of thio-phosphate into micro-organisms. The parent application which has issued draws attention to the means by which thio-phosphate modifies nucleic acids in vivo. Specifically step 3 of claim 1 in US Patent 7,125,982 states the following: "uptake and incorporation of thio-phosphate into nucleotide precursor pools thereby leading to the synthesis of phosphorothioate internucleotide linkages". There is ample